

**From:** Ronnie McAda [ronniemcada@gmail.com]  
**Sent:** 11/18/2014 7:56:58 PM  
**To:** Scott Breimeister [Scott.Breimeister@pharmsmgmt.com]  
**CC:** Brian Ski [brianski9966@gmail.com]; Leonard Carr [leonard.carr@omnipluspharmacy.com]  
**Subject:** Re: FW: CVS/Caremark Suspension

Shit! I will see what it going on. I was told that she had talked to CVS and confirmed. I don't know if she confirmed all, or just certain ones that CVS sent her originally. Let me see what I can find out.

On Tue, Nov 18, 2014 at 11:01 AM, Scott Breimeister <[Scott.Breimeister@pharmsmgmt.com](mailto:Scott.Breimeister@pharmsmgmt.com)> wrote:

FYI:

Nothing is easy. This is a clusterfuck.

Can you kick her in the butt and ask her to get this resolved once and for all with CVS. This is costing us both a fortune.

Thanks

Scott

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**From:** Gil Ganucheau [mailto:[gganucheau@md-law.com](mailto:gganucheau@md-law.com)]  
**Sent:** Tuesday, November 18, 2014 10:11 AM

**To:** 'Pham, Thao'  
**Subject:** RE: CVS/Caremark Suspension

Thao:

Obviously we are getting different information. It is accurate, is it not, that she has confirmed that the patients in questions were her patients and that she has medical records for those patients.

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GOVERNMENT  
EXHIBIT  
**1028**  
4:18-CR-368

GX1028.001

DOJ-SMUBSSB-0000139118  
DOJ-SMUBSSB-0000139118-1

e-mail: [gganucheau@md-law.com](mailto:gganucheau@md-law.com)

Admitted to practice in Louisiana and Texas

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**From:** Pham, Thao [<mailto:Thao.Pham@Caremark.com>]  
**Sent:** Tuesday, November 18, 2014 10:07 AM  
**To:** Gil Ganucheau  
**Subject:** RE: CVS/Caremark Suspension

Gil,

It is not accurate that Dr. Kennedy has affirmed prescribing the claims in question.

Caremark is in the middle of continued back and forth with Dr. Kennedy to receive her final feedback. Caremark understands from Dr. Kennedy that she is continuing to review her medical records.

Thao Pham | CVS/caremark | Senior Legal Counsel | [469-524-5683](tel:469-524-5683) |

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**From:** Gil Ganucheau [<mailto:gganucheau@md-law.com>]  
**Sent:** Tuesday, November 18, 2014 9:51 AM  
**To:** Pham, Thao  
**Subject:** CVS/Caremark Suspension

Thao:

Omniphus Pharmacy received a notice from Aetna, a plan sponsor serviced by CVS, that the suspension imposed by CVS on October 13, had been lifted as of November 13. Please confirm this information and let me know when we can expect release of the funds being held by CVS.

Since Dr. Kennedy has confirmed to CVS that she had mistakenly denied the validity of the prescriptions that was the basis of CVS' determination of possible fraud on behalf of Omniphus, the basis for the immediate "recoupment" by CVS has been nullified. As we discussed, Texas law requires that all claims be paid timely even those under audit. Continued holding of funds by CVS prior to the finalization of the audit process is unwarranted. Further delay in release of the funds will require us to consider other action to recover the funds being wrongly held as well as penalties provided by Texas law for failure to pay timely.

Thank you.

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